



SAFETY --- Network

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Public supportive of increased enforcement

Two years of surveys conducted for the Michigan Office of Highway Safety Planning (OHSP) show the public consistently and overwhelmingly supports increased enforcement for safety belts and alcohol-impaired driving. Even immediately following a statewide mobilization, at least 90 percent of the public believes that police should enforce drunk driving laws more strictly, and at least 75 percent supports increased safety belt enforcement *for adults*.

Many public officials spend at least a few moments wondering how the public will react to the latest enforcement campaign, particularly during lean economic times, said Pietro Semifero, OHSP mobilization coordinator.

"They worry about comments such as, 'Don't police have anything better to do?'"

Semifero said that while inevitably some of the ticketed or arrested drivers complain, knowing that the vast majority of people support police efforts might put some minds at ease.

OHSP collects survey data during each mobilization as required by federal standards, using federal traffic safety funds.

More safety belt 'zones,' new ad highlight upcoming mobilization

In an effort to reach its goal of 90 percent belt use in 2004, the Office of Highway Safety Planning (OHSP) is helping its traffic safety partners pull out all the stops during summer enforcement efforts.

The state's safety belt use rate is at almost 85 percent, following successful safety belt mobilizations in May and November 2003, which featured 20

counties conducting safety belt enforcement zones. To reach the next five percent, OHSP is increasing the number of counties conducting enforcement zones from 20 to 25 and asking counties to increase the number of enforcement zones they conduct.

The Memorial Day safety belt mobilization will take place May 24 – June 6. Kicking off the May enforcement will be new television and radio advertisements, warning motorists that police will be out ticketing violators of the state's safety belt law.

In addition, OHSP is planning a second summer safety belt mobilization during the Labor Day holiday, from August 30 through September 12.

Upcoming mobilization dates

Safety belts

May 24 – June 6, 2004

August 30 – September 12, 2004

Alcohol

June 25 – July 11, 2004

Drunk driving crackdown nets 2,700 motorists

There were no breaks for motorists breaking the law in December as Michigan law enforcement officers arrested 2,712 motorists for alcohol-related offenses during the *You Drink & Drive. You Lose.* crackdown.

The results were an increase from July's crackdown, during which 2,583 motorists were arrested for alcohol-related offenses. The December mobilization, Dec. 19, 2003 – Jan. 4, 2004, was the first one under Michigan's new, tougher drunk driving law.

More than 500 agencies participated in the statewide crackdown and according to the 311 agencies reporting statistics to OHSP, 51,467 vehicles were stopped during the mobilization. In addition to the alcohol arrests, officers arrested 697 individuals for felony charges and 4,241 for misdemeanor offenses. They also wrote 11,438 speeding citations and issued 2,274 safety belt citations for motorists over the age of 15 and 146 child restraint citations.



DIRECTOR'S CORNER

MICHAEL L. PRINCE

Division Director, Office of Highway Safety Planning

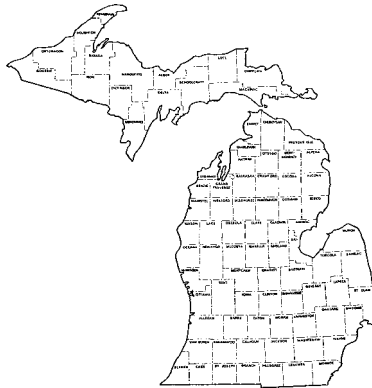
I have enjoyed many opportunities to meet with OHSP traffic safety partners from across the state and to make some new relationships along the way. I'm a big proponent of outreach, and I believe building these partnerships will help save lives and make Michigan's roadways safer. I want to thank the many people who have taken the time to meet with me and provide me with insight and feedback.

As part of OHSP's effort to increase and enhance its ability to network and consult with state and local units of government, local agencies, and community leaders on traffic safety issues, OHSP staff members are being designated as regional liaisons.

This initiative will divide the state into districts. The OHSP liaisons will be responsible for representing the office at various meetings and functions in their region.

Being able to put a face with a name is important and provides for important and meaningful feedback.

These liaisons will serve as a point of contact with state, local, and county officials and in turn be



able to provide referrals to resources and programs offered through OHSP and other state and federal agencies.

In the upcoming months OHSP will post the names, contact numbers and e-mail addresses for staff members assigned to the regions on its website at www.michigan.gov/ohsp. Please feel free to contact them about meetings or events in your area or about any traffic safety concerns you may have.

I believe these regional liaisons will provide OHSP with a much-needed "link" to local communities and a valuable conduit for planning and communication on traffic safety issues and initiatives.

NHTSA: Child safety seats can be reused after minor crash

Following a review of research on child safety seat performance, the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) revised its advice to parents and caregivers to allow reuse of the seats following a minor crash.

This policy change was made to ensure that parents or caregivers continue to correctly restrain their child following a minor crash. It also will reduce the financial burden of unnecessary child safety seat replacement.

"Current research indicates that child safety seats are very robust and continue to provide high levels of protection even after being involved in a minor crash," said NHTSA Administrator Jeffrey W. Runge, M.D. "Our new advice reflects this research."

The agency continues to recommend that parents and caregivers check with the child seat manufacturer with regard to performance, operation, and installation of their child restraint. However, NHTSA also recognizes that minor crashes are unlikely to affect child seat performance.

A minor crash is one in which all of the following apply:

- A visual inspection of the child safety seat, including inspection under any easily movable seat padding, does not reveal any cracks or deformation that might have been caused by the crash;
- The vehicle in which the child safety seat was installed was capable of being driven from the scene of the crash;
- The vehicle door nearest the child safety seat was undamaged;
- There were no injuries to any of the vehicle occupants; and
- The air bags (if any) did not deploy.

To see the revised NHTSA policy on the Internet, go to www.nhtsa.dot.gov.

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Safe Community/ ACTS website updated

Improvements continue to be made to the Safe Community/ACTS website at www.townsafety.com.

Some new features of the improved website are:

Logging On/Off

The user has the ability to switch between being logged in as a registered user or as a guest without beginning a new session at townsafety.com/actsweb. A user can simply log in as a guest to view the website or click on "new users register here" to enter the survey data.

Program Orientation

After logging in as a user or a guest, there is information about the ACTS on the initial log-in page. The most Frequently Asked Questions about Safe Communities and the ACTS briefly introduces the users to the program. This can be viewed prior to exploring the website or entering the survey data.

Assets/Deficits

Eight new successful national programs/resources have been added to give the user more selections for recommended best practices to assist the coalition in developing assets and decreasing deficits.

Any questions or comments about the new website should be directed to Dan Vartanian at (517) 339-5322 or via e-mail at vartaniD@michigan.gov.

PAAM Legal Update

U.S. Supreme Court Upholds Informational Checkpoints

A 70-year-old bicyclist was killed by a hit and run driver. One week after the crime, law enforcement officers set up a checkpoint at the crime scene at the same time of day that the victim was killed. They detained each car for 10 to 15 seconds, asked the occupants if they had any information regarding the hit and run, and handed out a flyer requesting their assistance in investigating the crime.

One motorist swerved his car upon approaching the checkpoint, nearly hitting an officer. He was subsequently arrested and convicted for drunk driving. He appealed to the U.S. Supreme Court, claiming that his detention at the checkpoint was an illegal seizure.

The Supreme Court noted that there is a significant difference between investigative checkpoints where law enforcement officers are checking each motorist for possible criminal violations and the informational checkpoint conducted in this case. Investigative checkpoints are presumptively unconstitutional. Informational checkpoints are evaluated to determine whether they are constitutionally reasonable. This one was held to be reasonable and therefore constitutional. *Illinois v. Lidster*, case no. 02-1060, released on January 13, 2004.

Note: *Be sure to check with your local prosecutor before enacting this type of informational checkpoint. At this time, investigative checkpoints for intoxicated driving are unconstitutional under the Michigan Constitution. Sitz vs MSP, 443 Mich 744 (1993).*

Michigan Published Cases

The Court of Appeals held that there was no constitutional violation when a law enforcement officer, in the absence of observing a traffic violation, ran a computer check on the license plate number



of the defendant's car, stopped the car after learning there were two outstanding warrants on its registered owner, and after establishing the defendant was the registered owner, arrested him and searched the defendant and his car. The trial court granted the defendant's motion to dismiss on the basis the officer violated his Fourth Amendment rights when he ran the computer check and made an investigatory stop on the basis of the information learned from the check.

The Court of Appeals reversed, holding an officer may run a computer check on a license plate number in plain view even if the vehicle has not been seen violating a traffic law and there is no information suggesting a crime has been committed. A person does not have a reasonable expectation of privacy in a license plate openly displayed in plain view. An officer may also reasonably suspect a vehicle is being driven by its registered owner and when information learned from a computer check provides a basis for further investigation or the owner's arrest, make an investigatory stop to find out if the driver is the owner. Reversed and remanded for reinstatement of the charges. *People v. Jones*, case no.: 242781, released January 27, 2004.

New Statutes

2003 PA 314-315 became effective on January 9, 2004, and it amended MCL 257.601b. The previous version required that the

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PAAM Legal Update

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moving violation that caused injury or death of a construction zone worker be a violation with criminal penalties. Public Act 314 changed that. Now, the law states that someone "who commits a moving violation for which not fewer than three points are assigned under section 320a" and causes injury or death has violated this section. Also in that public act, the word construction was changed to work, to make the statute read "in a work zone." However, there is one minor "glitch." Public Act 315 which provides the definition of "work zone" used in Public Act 314, does not go into effect until April 8, 2004. What that means is until April 8, if someone is charged under MCL 257.601b, "work zone" does not have a statutory definition. On April 8, it will.

Public Act 182 of 2003 became effective January 1, 2004. This law amended MCL 750.394, throwing a "stone or missile" at a car or train. The law, which previously was only a misdemeanor, was changed to include graduated penalties.

If a person throws, propels, or drops, a stone, brick, or other dangerous object (missile is no longer listed in the statute) at a car, etc., the person is facing a 93-day misdemeanor; if the violation causes injury, then they are facing a four-year felony; if the resulting injury is one of serious impairment, it is a 10-year felony; and if the violation causes the death of a person, it is a 15-year felony.

Upcoming PAAM Courses for Law Enforcement

PAAM is once again going to hold *Protecting Lives, Saving Futures* on May 11-13. This three-day seminar is a program created by the American Prosecutors Research Institute's National Traffic Law Center and the International Association of Chiefs of Police with funding from NHTSA. It was designed to concurrently train less experienced law enforcement officers and prosecutors in the detection, apprehension, and prosecution of impaired drivers. The simultaneous training approach allows all the involved disciplines to learn from each other inside a classroom rather than outside a courtroom five minutes before trial.

Comments from previous attendees include:

- "It was a great seminar."
- "Outside of the Secondary Road Patrol seminar, this is the best training I've been to."
- "Definitely a course that should be held often."

PAAM is also offering *Cops in Court* around the state. This one-day program is designed to train law enforcement officers on working more effectively with prosecutors to ensure convictions in traffic safety cases. The course is taught by officers and prosecutors with daily experience in dealing with issues such

as In Car Cameras: What Not To Do; How to Present Yourself in Court; General Defense Attack Issues; and How to Prepare Effective Testimony. For further information on this and other programs contact David Wallace, Traffic Safety Training Attorney at (517) 334-6060 or wallaced@michigan.gov, or go to www.paamtrafficsafety.com and click on the upcoming seminars page.

Consult your prosecutor before adopting practices suggested by reports in this article.

The statutes and court decisions in this article are reported to help you keep up with trends in the law. Discuss your practices that relate to these statutes and cases with your commanding officers, police legal advisors, and the prosecuting attorney, before changing your practices in reliance on a reported court decision or legislative change.



9th Annual Traffic Safety Summit is April 27-28

The 9th Annual Traffic Safety Summit being held April 27-28, 2004, at the Holiday Inn South in Lansing.

A preliminary agenda of workshops and general sessions, as well as registration information, can be found at www.michigan.gov/ohsp.

For more information, contact Sue Joseph at (517) 333-5301 or josephs1@michigan.gov.

Secondary Road Patrol Conference is May 11-12

The Secondary Road Patrol Training Conference will be held on May 11-12, 2004, at the Holiday Inn South in Lansing.

The Secondary Road Patrol is a state-funded grant program that provides county sheriff departments with funding for traffic patrols of county and local roads outside the corporate limits of cities and villages.

Participation in the Secondary Road Patrol Training Conference is by invitation only. For more information, contact Sandy Eyre at (517) 333-5303 or eyres@michigan.gov.

Transition from winter to spring brings new driving hazards

By Sergeant Jim Flegel, Michigan State Police

The weather is getting warmer, the snow is starting to melt, and spring is in the air. You are driving down the road on a bright, sunny spring day, but is your mind really on driving? Are you in some type of hypnotic state or just plain daydreaming? Are you prepared for the hazards that could be lurking in the shadows? Spring is an exciting time of year, but there are several driving issues that need to be taken into account to keep you, and other people, safe on the road.

During the transition from winter to spring, the temperatures start to rise, causing the snow to melt. The roadway may appear to be wet, but in some areas, especially in the shadows, the water freezes on the pavement producing what some people refer to as "black ice." Other areas where black ice is common are bridges and overpasses. Water melts on top and winds blow under the bridge causing the water to freeze. Black ice can be very treacherous and can easily make you lose control of your vehicle.

When driving on bridges and overpasses that have black ice, do not make any aggressive speed changes (going to the throttle or brake) as this could cause you to go into a skid. If you do happen to find yourself losing control of your vehicle get off the throttle and stay off the brake. Look and steer, using quick hand-over-hand steering techniques, in the direction you want to go, or the direction the rear of your vehicle is going. Keep your eyes looking down the road and avoid looking down at the hood of your vehicle.

An error people make when trying to correct a skid is overcompensating, or putting in too much steering input. When this occurs, the vehicle goes into a secondary skid which is usually much more violent than the first. ALWAYS anticipate and expect a secondary skid and be prepared to properly correct it.

During the winter months, the Michigan Department of Transportation and county road commissions work diligently to combat ice and snow by putting down large quantities of sand and salt. This works great for winter driving, but when spring rolls around, a majority of that salt and sand remain on the roadway, especially at intersections. These areas reduce the way your tires "stick" to the pavement and can actually INCREASE your stopping distance. This is a good time to increase the space cushion between your vehicle and the vehicles in front of you to allow yourself more room to make a stop or some type of evasive maneuver. At intersections, slow down sooner.

A good way to drive all the time, not just in the spring, is to be a good defensive driver. First of all, let's establish the definition of defensive driving. It is the ability to operate your vehicle in such a manner as to avoid involvement in a preventable crash no matter

what the road or weather conditions. Most of the time, a driver is able to make some type of evasive maneuver or stop in time to prevent getting involved in a crash. The driver should always anticipate a driver's next move, not wait and then try to react to it. Always EXPECT THE UNEXPECTED. You never know when someone is going to disregard a stop sign or traffic signal, or where drunk drivers are coming from.

The Smith System of Defensive Driving is another tool a person can utilize to stay safe on the road. The Smith System has the following basic components:

1. Aim High In Your Steering

- Don't focus too close to the front of your vehicle
- In urban areas you should look 1-2 blocks ahead, on freeways and rural areas up to ½ mile ahead

2. Keep Your Eyes Moving

- Visually scan everything to the front, sides and rear of your vehicle. This produces the following benefits:
 - Enhances your peripheral vision
 - Prevents highway hypnosis
 - Reduces over-concentration
 - Reduces physical and mental fatigue
 - Increases powers of observation

3. Get The Big Picture

- Detect everything on the front, sides and rear of your vehicle
- Double check intersections
- Watch for pedestrians
- Watch other drivers to predict their next move

4. Leave Yourself an Out

- See potential hazardous situations
- Establish a space cushion
- Planning an evasive maneuver
- Timing and execution of maneuver

5. Make Sure They See You

- Establish eye contact with the other driver
- Signal your intentions well before execution
- Use horn and lights
- Avoid the other driver's blind spot
- Head check your own blind spot

These tips can be used all year around and will help you go home safe at the end of the day.

Sergeant Jim Flegel is a member of the Michigan State Police Precision Driving Unit Vehicle Test Team.

Challenge award winners named

The *You Drink & Drive. You Lose.* mobilization concluded January 4. To promote the campaign, the Office of Highway Safety Planning conducts an incentive program for law enforcement agencies participating in the mobilization. With 312 agencies reporting, the following 12 agencies were chosen by random drawing and awarded a grant of \$5,000 toward the purchase of traffic safety equipment or overtime:

Branch County Sheriff's Office
Grand Traverse County Sheriff's Office
Plymouth Township Police Department
Columbia Township Police Department
Flint City Police Department
Marquette City Police Department
University of Michigan Department of Public Safety
White Cloud Police Department
Adrian Police Department
Frankenmuth Police Department
Michigan State Police Manistee Post
Michigan State Police Mount Pleasant Post

Great Spring Break reminders available at the Michigan Resource Center

A variety of posters, public service announcements, and placemats promoting the "Drive Alert & Awake" message are available at the Michigan Resource Center.

These items can be ordered, free of charge, and call attention to the dangers of driving while drowsy or distracted. With Spring Break approaching, these reminders could save someone's life.

Available items:

- Drive Alert & Awake – Last Call Poster – AD755
- Drive Alert & Awake – Last Song Poster – AD756
- Drive Alert & Awake – Last Bite Poster – AD757
- Drive Alert & Awake – Last Look Poster – AD758
- Drive Alert & Awake – Pull Over Poster – AD759
- Drive Alert & Awake – Eyes on the Road – AD760



- Drive Alert and Awake – Keep Each Other Awake – AD761
- Drive Alert and Awake – Drowsy/Distracted Driver PSA – AD762
- Drive Alert and Awake – School Break PSA – AD763
- Drive Alert and Awake – Placemats – AD764

A wide variety of other traffic safety materials are also available through MRC.

For more information, to order materials, or receive a copy of MRC's video and materials catalogs, call (800) 626-4636 or visit the MRC website at www.michiganresourcecenter.org.

Ten officers receive Life Savers Award

Ten law enforcement officers were honored with Life Saver Awards at a luncheon February 19 by MADD, Michigan for their efforts to stop drunk driving in their communities.



These awards recognize the many contributions officers make in their life-saving efforts when they stop and arrest drunk drivers or assist in their prosecution.

Life Saver Award Recipients are Michigan State Police Trooper Richard Sanchez of the Groveland Post; Michigan State Police Trooper Ryan Maki of the Allegan Post; Michigan State Police Trooper Kevin Caldwell of the Jackson Post; Officer Eric Bucy of the Detroit Police Department; Officer Kenneth Hunt of the Utica Police Department; Officer Kevin Witherspoon of the Roseville Police Department; Deputy Daniel Spitzley of the Clinton County Sheriff's Department; Deputy David Winstead of the Lapeer County Sheriff's Department; and Deputy Timothy Howell of the Calhoun County Sheriff's Department.

Also honored with the 2003 MADD Michigan Lifetime Achievement Award was Deputy Terry Blount who retired from the Macomb County Sheriff's Department in January.

Six of the award winners received scholarships from the Office of Highway Safety Planning through a random drawing to attend the national Lifesavers conference in San Diego, California. OHSP will pay for the officers to attend the conference where they will receive the latest information on a variety of traffic safety topics.

Those offered the opportunity to attend include Sanchez, Bucy, Hunt, Witherspoon, Spitzley and Blount.

17 agencies receive 2003 Award for Excellence in Traffic Safety; 4 agencies win Award for Excellence in Commercial Vehicle Safety

Seventeen Michigan law enforcement agencies were awarded the 2003 Award for Excellence in Traffic Safety from the Michigan Association of Chiefs of Police (MACP), the Michigan Office of Highway Safety Planning (OHSP) and AAA Michigan during the February 12 MACP Winter conference banquet in Grand Rapids



The award recognizes the commitment the law enforcement agencies have made to overall traffic safety within their jurisdictions. There were 56 entries in this year's competition.

Agencies receive a plaque and share in grant awards totaling \$28,000, contributed by OHSP, for the purchase of equipment or specialized officer training.

The 2003 winners are: Sandusky Police Department, Unadilla Township Police Department, Lansing Township Police Department, Saline Police Department, Sturgis Police Department, Grandville Police Department, Midland Police Department, Norton Shores Police Department, Kentwood Police Department, Farmington Hills Police Department, Livonia Police Department, Clinton County Sheriff's Department, Ingham County Sheriff's Office, Muskegon County Sheriff

Department, Michigan State Police Coldwater Post, Michigan State Police Hastings Post, Michigan State Police Rockford Post.

Also awarded during the MACP banquet was the Award for Excellence in Commercial Safety Application for 2003 by the Michigan State Police Motor Carrier Division. This award recognizes outstanding commercial vehicle safety efforts conducted by police departments across the state. The award winners for 2003 were the Pinckney Police Department (a two-time winner), Waterford Police Department, Muskegon Sheriff's Department and the Michigan State Police Adrian Post (a two-time winner).

David Wallace provides important insight

Prosecutor training program strengthens state traffic safety efforts

Want to know the finer points of Michigan's new .08 drunk driving limit?

Need some background on an expert witness planning to testify during one of your cases?

David Wallace has the answers.

The Prosecuting Attorney's Association of Michigan's (PAAM) traffic safety training attorney has 15 years of experience as a prosecutor, five years in Eaton County and 10 in Calhoun County, and an abundance of resources at his disposal.

"I may not always have the answer, but I know where to get it," Wallace said. "I'm a resource for prosecutors and law enforcement."

Wallace's job is to improve the ability of the state's prosecutors to effectively prosecute traffic safety violations. He does this by providing up-to-date reference materials and training on a variety of topics, including the state's .08 drunk driving law and how to better testify in court.

Another aspect of his job is to provide prosecutors with an overall perspective on traffic safety issues.

"They're in the trenches, dealing with their particular drunk driving case and sometimes they don't think about the fact that nearly 500 people died in alcohol-related crashes," he said. "I can help them see the big picture."

Wallace also serves as a liaison between law enforcement, prosecutors, the Office of Highway Safety Planning, the Michigan Department of State, judges, and other traffic safety organizations.

"I'm having a blast setting up training programs and speaking at conferences across the country representing Michigan," he said.

Wallace graduated from Alma College with a major in history and attended law school in Los Angeles, California, at Southwestern University School Of Law.

"I always say it was watching Perry Mason that got me into law," Wallace says. "I knew growing up that I either wanted to be a prosecutor or a minister like my dad. I went with prosecutor. I feel it's a privilege and an honor to serve as a prosecutor. It was hard to give that up when I took this position, but I don't miss it quite as much as I thought I would. I really like what I'm doing."

To date, Wallace has put on more than 40 training programs that provided insight to nearly 800 people. That count includes 76 prosecutors' offices and more than 100 law enforcement agencies. One of his favorite courses to offer involves prosecutors and law enforcement "switching" positions and experiencing what it's like to be on the other side of the prosecution equation.

"It really helps them understand what the other person does and how their reports or feedback really affect a case," he said. "What I've liked seeing is people who have attended one training come back for another topic. That tells me they liked what they saw and want to know more. I think it's been an effective program."

For more information about training courses offered through PAAM, visit www.paamtrafficsafety.com.

OHSP concentrating on child passenger safety issues

Motor vehicle crashes are the No. 1 killer of children ages 2 to 14. Nationally, in 2002, 329 children age 4 through 7 and 1,209 children age 8 through 15 were killed in crashes while traveling in a vehicle. That same year, 58,000 four to seven-year-olds and 160,000 eight to 15 year-olds were injured in crashes while traveling in a vehicle.

To address these sobering statistics, the Office of Highway Safety Planning (OHSP) is expanding its partner network to get the word out about child passenger safety.

"We've been meeting with agencies such as Head Start, the Family Physicians Association, the Detroit Auto Dealers Association, and other groups that have a stake in child passenger safety," said Alicia Sledge, OHSP's occupant protection program manager.

"We're trying to find out what activities they are doing to promote child passenger safety issues and what kind of education is needed. These meetings will help determine what kinds of programs OHSP needs to implement."

Sledge said a public information campaign to educate parents, daycare providers, and other groups about child passenger safety issues is in the works.

"We're trying to get the word out in places where people have not traditionally gotten the message, such as at the car dealership when they buy a car or

the doctor's office while they're in the waiting room."

Sledge said a major child passenger safety issue is getting parents to use booster seats for children between the ages of 4 and 8. The National Highway Traffic Safety Administration recommends booster seats for children from about age 4 and 40 pounds to at least age 8, unless the child is 4-feet-9-inches tall.

"Many people think that once a child reaches age 4 they are done with the car seat and can go right into the safety belt," Sledge said. "Unfortunately, that's not the case. Safety belts are designed for adults and do not fully restrain many children in a crash. Children need booster seats, which raises the child up so the safety belt fits correctly and protects them."

One long-time child passenger safety partner, the Michigan Department of Community Health, recently received a grant from the Centers for Disease Control and Prevention, which will be used to increase booster seat use in Michigan.

The University of Michigan Transportation Research Institute will be conducting a booster seat observation study to determine current statewide use rates and conduct surveys of parents to determine attitudes, knowledge and barriers to booster seat use.

For more information about child passenger safety, contact Alicia Sledge at (517) 333-5321 or via e-mail at sledgea@michigan.gov.

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